



UNITED STATES
PATENT AND
TRADEMARK OFFICE

MPB Rwn-mRA

4121-3-01

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
PO BOX 1450, ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
1300 I STREET, NW
WASHINGTON DC 20005

FOR PATENT OWNER

#7
6/12/03

KATE H. MURASHIGE
MORRISON & FOERSTER, LLP
3811 VALLEY CENTER DRIVE
SUITE 500
SAN DIEGO, CA 92130-2332

FOR REQUESTER

In re Sorge et al
Reexamination Proceeding
Control No.: 90/006,571
Filed: March 20, 2003
For: U.S. Patent No. 5,555,672

:
: DECISION RETURNING
: IMPROPER PAPER
:
:

The paper filed by facsimile on June 10, 2003, by the third party reexamination requester entitled REQUEST FOR ADDITIONAL DECISION is before the Group Director of Examining Group 1600. Under 37 CFR 1.550(e):

The active participation of the reexamination requester ends with the reply pursuant to 37 CFR 1.535, and no further submissions on behalf of the reexamination requester will be acknowledged or considered.

The paper filed by the third party requester, after the start of examination on the merits, is an improper submission under 37 CFR 1.550(e). See Syntex (USA) Inc. v. U. S. Patent and Trademark Office, 11 USPQ2d 1866, 1868-69 (Fed. Cir. 1989). Accordingly, the paper has not been considered and is being returned herewith. MPEP 2267. This decision will be made of record in the reexamination file. It is noted that the issues raised in the paper would normally be considered/reconsidered by the examiner in the first Office action on the merits.


John Doll

Director, Technology Center 1600/2900

RECEIVED

pat owner sent on 7-22-03

JUN 16 2003

FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER, L.L.P.

DHT
6-17-03
L